

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

INTERNATIONAL HOUSE OF
PANCAKES

JIMMIE MCNEAL

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* Civil No. JFM-04-1477

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MEMORANDUM

Plaintiff has filed a motion for summary judgment in which it requests the issuance of a permanent injunction against defendant. Defendant has responded to the motion. The motion will be granted.

In opposing the motion, defendant has attached an affidavit from an accountant indicating that plaintiff was incorrect in determining that defendant was understating his gross sales receipts. The affidavit, however, relates only to the Salisbury franchise, that is the subject of a related case (Civil Action No. 04-1480), and not to the Edgewood franchise involved in this case. Thus, on the summary judgment record, no viable defense has been stated.

Accordingly, plaintiff's motion for summary judgment is granted. I am today entering the permanent injunction it is requesting.

Date: March 23, 2006


J. Frederick Motz
United States District Judge